

CUSTOMER NO. 24498
SERIAL NO. 10/517,134

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Remarks/Arguments

The Examiner has required restriction between Claims 1 to 13, drawn to a method for internetworking networks, and Claims 14 to 15, drawn to a broker based authentication system. The Examiner has asserted that the invention defined by Claims 1 to 13, and the invention defined by Claims 14 to 15, are related as combination and subcombination. The Applicant can not agree.

The Applicant has amended Claim 15 to correct a typographical error. Claims 16 to 18 have been added to provide protection for a mobile device which interworks between two networks.

All of the claims of the instant application, including Claims 16 to 18 which have been added herewith, relate to interworking between first and second networks. Claims 1 to 13 are directed to a method of interworking between a WLAN and a second network. Claims 14 and 15 relate to a system for interworking between a WLAN and a second network. Claims 16 to 18 relate to a mobile device for interworking between first and second networks. There is no combination and subcombination, as asserted by the Examiner.

MPEP 802.01 sets forth that in order for a restriction requirement to be proper, the inventions subject to restriction must be either independent or distinct. Since the claimed inventions relate either to a product and process of using the product, as set forth in MPEP 806.05 (h), or a process and apparatus for its practice, as set forth in MPEP 806.05(e), it is clear that the claimed inventions are not independent, but rather are dependent, as explained in MPEP page 800-3, left column, second full paragraph. It is therefore clear that the claimed inventions are not independent.

The remaining question to be answered is whether the claimed inventions are distinct. The Applicant submits that the claimed inventions are *not* distinct.

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MPEP 802.01 II, second paragraph, explains that claims are distinct only if the claimed inventions are not connected in design, operation or effect. That is, the claimed inventions must be made by or used in a materially different process. In the instant invention, all of Claims 1 to 18 relate to interworking between first and second networks. It is therefore clear that the claims of the instant invention are not properly subject to a restriction requirement.

MPEP 806.05(e) directs that claims to a process and apparatus for its practice can only be restricted if:

- (A) the process can be practiced by another materially different apparatus or by-hand; or
- (B) the apparatus can be used to practice another materially different process.

The Examiner has asserted that the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination has separate utility, such as a method for network internetworking and broker-based authentication. The Applicant can not agree. For example, all of the claims recite broker authentication. It is therefore clear that the Examiner has not shown that the process can be practiced by another materially different apparatus or by-hand, or that the apparatus can be used to practice another materially different process.

The Applicant submits that examination of all of the claims in this application would not present a burden to the Office because all of the claims are directed to internetworking between first and second networks using broker authentication. Only a single search would be necessary for all claims.

The Applicant therefore respectfully requests the Examiner to reconsider his requirement for restriction, and to issue an action on the merits of all claims.

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In accordance with MPEP 818.08(b), the Applicant provisionally elects Claims 14 and 15, directed to a system for interworking between two networks. The Applicant submits that Claims 16-18 should be examined with Claims 14 and 15, since Claims 16-18 are directed to a mobile device which interworks between two networks. This election is made *with traverse*.

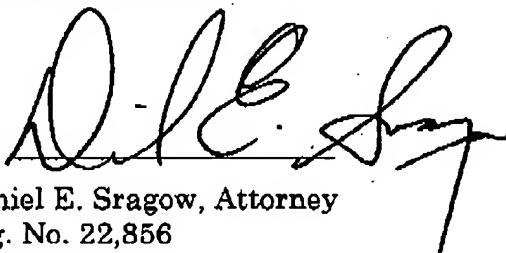
The Applicant has made a sincere effort to put this application in condition for allowance. A notice to that effect is respectfully solicited.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to Applicant's Deposit Account No. 07-0832.

Respectfully submitted,

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